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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VOTING RIGHTS DEFENSE PROJECT, et  
al.,

Plaintiffs,

v.

ALEX PADILLA, et al.,

Defendants.

Case No. C-16-02739

DECLARATION OF MIMI KENNEDY

I, MIMI KENNEDY, declare:

1. I am a registered voter in the Democratic Party in Los Angeles County, CA.
2. I was a Poll Inspector in charge of my polling place in a precinct in the County of Los Angeles for the Primary Election of 2008. I have served as a poll worker in a

DECLARATION OF MIMI KENNEDY

1 general election as well. On May 15, 2016, I received Poll Inspector training for  
2 the June 7 Primary Election and I took the training manuals home.

- 3 3. I have served on the LA County Registrar's Community Voter Outreach Committee  
4 for almost ten years where I participate in de-briefing and hear problems discussed  
5 after every election. Los Angeleans vote on paper ballots. At the May 15 training I  
6 learned there will be 10 ballot types at each precinct this election for our Inkavote  
7 paper ballot system: one for each of six political parties, one for NPP (No Party  
8 Preference) voters, and three for NPP voter who wish to "crossover vote" into one of  
9 the three parties that allow crossover voting for president by NPP voters. My  
10 experience is that few NPP voters choose to crossover into the smaller parties that  
11 allow them – the Libertarian and American Independent parties. Voters wish to  
12 crossover and vote in the major political parties. In CA, only the Democratic Party  
13 allows this. From previous experience I anticipate that the greatest demand for NPP-  
14 crossover ballots will be for the NPP-Democratic ballot, as few voters have heard of  
15 the candidates from the other eligible parties.
- 16 4. In 2008, many voters in my precinct, especially those newly-registered, had to vote  
17 provisionally because of an obscure rule they didn't know about Vote By Mail. They  
18 had registered as Vote By Mail voters without being fully aware of it or of the rules  
19 governing the importance of mailed ballots. They were surprised to find they could  
20 not vote at the polls regularly without surrendering their unvoted mail ballot to prove  
21 they had not yet voted. They were given a provisional ballot. Most of these voters  
22 either didn't know they'd registered vote-by-mail, but someone else had suggested  
23 they do so and signed them up; or, they considered the option a convenience, and had  
24 no idea it encumbered with the responsibility for surrendering the ballot if they chose  
25  
26  
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1 to vote at the polls. By the time they get to the polls, they no longer have the ballot to  
2 surrender. As a Registrar Community Voter Outreach Committee member I have tried  
3 to publicize what I informally call this "Surrender Rule." But there has been no public  
4 drive to inform the electorate by either the Secretary of State or the Registrars.  
5

6 5. In California, the vote count on the provisional ballots is not made public knowledge  
7 until well after election day. Whether these votes are counted, how many exist per  
8 precinct, what percentages are accepted or rejected, and why, is data that is not  
9 accessible by the public. In my experience the news stations and daily papers pay  
10 virtually no attention to the fate of the provisional ballots after election day, even  
11 though their numbers in 2012 presidential in LA County were so great that Registrar  
12 staff were forced to work on Thanksgiving Day, counting those votes. Increasingly,  
13 provisional votes in the tens of thousands can mean the margin of victory or defeat.  
14 They become a political football.  
15

16  
17 6. The American Independent Party is a CA party choice on the CA voter registration  
18 card. I helped many voters in 2008, and am hearing from some now as we approach  
19 the June 7 primary, who confused signing up as "American Independent" with being  
20 an "independent voter" who could vote for any party's candidates in a primary. They  
21 did not understand the official choice No Party Preference meant "independent" and  
22 that American Independent meant a political party with rules that would not allow  
23 them to crossover vote for presidential candidates in other political parties..  
24

25  
26 7. At the pollworker training in LA County (Poll Inspector and Poll Clerks) we were  
27 specifically and consistently trained to process NPP voters by asking them, as they  
28 sign in next to their names on the roster, what kind of ballot they want, and if they

want to vote for president in one of the three parties that allow crossover voting: Democratic, Libertarian, or American Independent. (Voters can cross INTO, but not OUT OF, the American Independent Party.) They make their request, and the sign-in clerk then tells the ballot clerk what ballot to give that voter – NP-DEM, NP-LIB, or NP-AI.

8. It is my understanding that some pollworkers in other counties have been trained to give the NPP voter a non-crossover NPP ballot, which contains no presidential choice, unless the NPP asks for another type of NPP crossover ballot to which she is entitled. In these cases, the NPP voter is aware of the state, county, and party rules governing her rights as a crossover NPP voter even though the pollworker is not making them known. The pollworker is aware of the voters' rights, or should be aware, after being trained in the state, county, and party rules, and when the pollworker withholds information about these rights, the voter may be disenfranchised of her presidential primary vote.
9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, except for those matters based on information and belief, and as for those matters I believe them to be true.

Executed on May 25, 2016 in the city of Binghamton, County of  
Broome County, state of New York.

*AMA Mary C Kennedy*  
*Mimi Kennedy*

MIMI KENNEDY